

Panaji, 22nd May, 1997 (Jyaistha 1, 1919)

SERIES II No. 8



OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series II No. 7 dated 15-5-1997 namely, Extraordinary dated 19-5-1997 from pages 107 to 108 regarding Notifications from Department of Town and Country Planning.

GOVERNMENT OF GOA

Department of Finance

Revenue & Expenditure Division

Order

No. 24/9/94-FIN(R&C) 154

Read: Order No. 24/9/94-FIN (R&C) dated 27-2-1996.

Government is pleased to extend the term of Visiting Committee for Old Aged Homes and Orphanages constituted vide Order referred to above for a further period of one more year from 27-2-1997 to 26-2-1998.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance-Exp.).

Panaji, 31st March, 1997.

Notification

No. 7/24/74-FIN (R&C)

In exercise of the powers conferred by Article 16 of the Legislative Diploma No. 1984 dated 14-4-1960 and all other powers enabling it in that behalf, and in supersession of the Government Notification No. 7-24-74-FIN (R&C) dated 31-3-1994, published in the Official Gazette, Series II, No. 3, dated 21-4-1994, the Government of Goa hereby –

- (i) appoints the persons specified in the Schedule below to be the Chairman and Members of the Council of Provedoria; and
- (ii) directs that the persons specified at serial Nos. (2), (3) and (4) of the Schedule below shall hold office for a period of three years with immediate effect and they shall be paid allowances for each day of sitting of the Council from the funds of the Provedoria at the rate admissible to Class - I Officers of the Government.

SCHEDULE

- (1) Secretary Incharge of Provedoria — Chairman.
- (2) Smt. Cecelia D. Menezes, Altinho, Panaji-Goa — Member.
- (3) Shri Anant Y. Shetgaonkar, Kacholewada, Morji, Pernem-Goa — Member.

- (4) Shri Shambu Bhau Bandekar, Saligao, Bardez-Goa — Member.

- (5) Director of Provedoria, Panaji - Goa — Member Secretary.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance-Exp.).

Panaji, 23rd April, 1997.

Department of Labour

Order

No. CL/Pub-Awards/97/1706

The following Award dated 20-3-1997 in Reference No. IT/46/92 given by the Industrial Tribunal, Panaji-Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

R. S. Mardolker, Ex-Officio Joint Secretary, Labour.

Panaji, 3rd April, 1997.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/46/92.

Workmen

Rep. by River Navigation Marine
Workshop Employees Association
Betim, Bardez, Goa

— Workmen/Party I

V/s

The River Navigation Department
Marine Workshop, Betim,
Government of Goa
Betim, Bardez, Goa

— Employer/Party II

Workmen/Party I represented by Adv. Shri P. B. Devari
Employer/Party II represented by Adv. Shri A. Aga.

Dated: 20-3-1997.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by Order dated 1-7-1992 bearing No. 28/12/92-LAB referred the following dispute for adjudication by this Tribunal. "Whether the demand of the following workmen of the River Navigation Department for higher scales as indicated against their respective names is legal and justified.

Assistant Fitters

- | | |
|-------------------------------|------------------|
| 1. Shri Mohandas B. Dessai. | — Rs. 800-1150/- |
| 2. Shri Mohan R. Gaude. | |
| 3. Shri Gunaji Parab. | |
| 4. Shri Antonio L. Gonsalves. | |
| 5. Shri Arun D. Naik. | |
| 6. Shri Jacinto A. Gonsalves. | |

Fitter Grade II

- | | |
|--------------------------------|------------------|
| 1. Shri Madhuker Budge. | — Rs. 950-1500/- |
| 2. Shri Jose Cruz. | |
| 3. Shri Digamber Ghatwal. | |
| 4. Shri Tukaram B. Rawal. | |
| 5. Shri Narayan G. Naik. | |
| 6. Shri Sunio G. Kalangutkar. | |
| 7. Shri Anand N. Desai. | |
| 8. Shri Vishnudas Govekar. | |
| 9. Shri Anand T. Ajgaonkar. | |
| 10. Shri Balchandra Joshi. | |
| 11. Shri Rajaram G. Harmalkar. | |
| 12. Shri Joaquin J. D'Souza. | |

If not, to what relief the workmen are entitled?"

2. On receipt of the reference, a case was registered under No. IT/46/92 and registered A/D notice was issued to the parties. In pursuant to the said notice, the parties put in their appearance. The workmen/Party I (For short "Workmen") filed their statement of claim which is at Exb. 3. The facts of the case in brief as pleaded by the workmen are that the employer/party I, that is, The River Navigation Department, Marine Workshop, Betim, Goa, (For short "Employer") carries out the work of repair, construction of ferry boats and launches, at Betim Goa. That the workmen are employed with the employer as Fitters to carry out the skilled work of ferry repairs and construction, and they have been doing the work of Technical/Skilled work as per the job satisfaction given by the employer. That the Government has accepted the recommendations of the Fourth Pay Commission w.e.f. 1986 and the commission has recommended the pay scale of Rs. 950-1500 for the skilled tradesmen in the category of workshop. That the workmen have been doing the work of skilled category as per the job satisfaction given by the employer, but they are placed in the unskilled category. That the Fitter employed by the employer in the Captain of Ports and who is presently working in the workshop does the same and similar work but has been given the pay scales of skilled category i.e. 950-1500. That the workmen through their Association represented their case before the Departmental Head and the Government for the rectification of anomaly in the pay scale. That however, the said representation was not accepted by the Government. That the workmen are I.T.I. qualified and from the date of their joining they have been doing the skilled work as per the job satisfaction given by the employer vide letter dated 16-12-1991. The workmen contended that their demand for higher pay scale as per the recommendation of the

Fourth Pay Commission is legal and justified. The Workmen therefore, claimed that they are entitled to the higher pay scale of Rs. 950-1500/-

3. The employer filed the written statement which is at Exb. 4. The employer denied that the workmen carry out the skilled work of ferry repairs and construction and they have been doing the work of Technical/ Skilled work as per the job satisfaction given by the employer. The employer stated that the 4th Pay Commission is recommendatory in nature and not mandatory, and it provides guidelines for the local Government for its adjustment to local conditions and work requirements. The employer stated that the recruitment rules which stipulates the minimum qualifications for Assistant Fitter is two years experience in the trade or possessing Trade apprenticeship from a marine workshop and the corresponding pay scale is Rs. 750-940/. The employer stated that the Asst. Fitters are entitled to promotion to the higher post of Fitter Grade II and Fitter Grade I in the pay scale of Rs. 800-1150/- and Rs. 950-1400/- respectively.

The employer stated that the posts of Asst. Fitter, Fitter Grade II and Fitter Grade I are not classified based on skill and therefore, the pay scale provided under the recruitment rules are just and proper. The employer further stated that since the workmen accepted their respective posts and the pay scale offered to them without any conditions, they are not entitled to claim pay scale other than the one prescribed under rules. The employer denied that the work requirements of Fitters employed in the office of the Captain of Ports and in the Marine workshop are the same and stated that since the demand of the workmen was not legally justified, the same was rejected by the Department and the Government by letter dated 19-8-91 and 20-11-91 respectively. The employer contended that the job specification prescribed for the Fitter Grade II and similar to the Asst. Fitter and that also the element of skill is no criteria for scale of pay prescribed for the said post and therefore, the demand for enhancement of scale is unjustified. The employer stated that the workmen are not entitled to higher scale of Pay or enhanced wages on the ground that they possess higher qualifications than the one prescribed in the recruitment rules. The employer further stated that the element of skill in the said jobs is not relevant for considering the proposal of the workmen for higher scales of pay than the one prescribed under the recruitment rules. The employer denied that the workmen are entitled to any reliefs as claimed by them and stated that the reference is liable to be rejected. The workmen thereafter, filed rejoinder which is at Exb. 5 controverting the pleadings made by the employer in the written statement.

4. On the pleadings of the Parties, the following issues were framed at Exb. 6.

1. Does Party I prove that the demand made by them for enhancement of salary for Asst. Fitters and Fitter Grade II is just and proper ?
2. Do they prove that Party No. II Government has accepted the recommendations of Fourth Pay Commission and that they are mandatory ?
3. If yes, are the workmen entitled to enhance salaries ?
4. What reliefs to workmen, if any ?
5. What Award or order ?

5. My findings on the issues are as follows:-

- Issue No. 1: In the affirmative
Issue No. 2: In the affirmative

- Issue No. 3: In the affirmative
 Issue No. 4: as per para 9 below
 Issue No. 5: As per order below

REASONS

6. Issue No. 1 and 2 are taken up together as they are inter-related. Shri Devari, the learned counsel for the workmen, submitted that the recommendations of the 4th Pay Commission were accepted from 1st January, 1986 and para 11.24 of the said report provides for the pay scale for the workshop staff. He submitted that as per the said report, the semi-skilled workers have been given the pay scale of Rs. 950-1500/- He submitted that the River Navigation Department is a workshop and the post of Asst. Fitters falls within the grade "Semi-skilled" and the post of Fitters Grade II falls within the grade "skilled". He submitted that similarly, the post of Asst. Turner also falls within the same grade as that of the Asst. Fitter and the post of Turner Grade II falls within the same grade as that of Fitter Grade II. He further submitted that the Asst. Fitter had the same pay scale as that of the Asst. Turner and the Fitter Grade II had the same pay scale as that of the Turner Grade II. Adv. Shri Devari submitted that the nature of the work done by the Asst. Fitter is that of semi-skilled and in respect of Fitter Grade II it is a skilled job. He referred to the job satisfaction produced at Exb. W-5 and submitted that the said job satisfaction shows the kind of the work done by the Asst. Fitters and the Fitters Grade II which supports the case of the workmen. He submitted that the workmen have examined two witnesses in support of their case namely one Mr. Tukaram Rawal who is a Fitter working in Grade II and Mr. Gunaji Parab, who works as an Asst. Fitter, whereas the employer has not led any evidence in support of its case. Adv. Shri Devari contended that the Union had made a demand for the upgradation of the pay scale of the Asst. Fitters, Asst. Turners, Fitter Grade II and Turners Grade II and the Captain of Ports had recommended such up-gradation as per pay scale given by the 4th Pay Commission in its report as regards semi skilled and skilled workers. He referred to the recommendations produced at Exb. W-3 in this respect. Adv. Shri Devari submitted that the Government by order dated 20-2-92 Exb. W-4 accepted the recommendations as regards Asst. Turners and Turner Grade II but did not do so as regards the Asst. Fitters and Fitters Grade II. He contended this Act on the part of the Government is discriminatory and illegal. Adv. Shri Devari contended that since the nature of work performed by the Asst. Fitters and the Asst. Turners is the same, that is, Semi-skilled one and by the Fitters Grade II and turners Grade II is also the same, that is, skilled one, the Asst. Fitters and the Fitters Grade II are also entitled to the upgradation in their pay scales as demanded by them, as per para 11.24 of the 4th Pay Commission's report w.e.f. 1-1-1986. In support of his contention, Adv. Shri Devari relied upon the decision of the Delhi High Court in the case of Municipal Corporation of Delhi V/s Ganesh Razak, reported in 1994 I CLR 370 and that of the Supreme Court in the case of Paras Nath, Mamman Singh & Others V/s Union of India & others reported in 1990 (60) FLR 414. No arguments were advanced on behalf of the employer though opportunity was given.

7. I have given due consideration to the arguments advanced by Adv. Shri Devari representing the workmen. At the outset, I would like to mention that only the workmen have led evidence in this case and no evidence has been led by the employer inspite of the opportunity given. The Contention of the workmen is that the workmen S/Shri Mohandas V. Desai, Mohan Gaude, Gunaji Parab, Antonio Gonsalves, Arun D. Naik and Jacinto A. Gonsalves are working with the employer/River Navigation Department as Asst. Fitters in the pay scale of Rs. 750-940/- and the workmen S/Shri Madhuker Budge, Jose Cruz, Digamber Ghatwal, Tukaram B. Rawal, Narayan G. Naik, Sunil G. Kalangutkar, Anand N. Desai, Vishnudas Govekar, Anand T. Ajgaonkar,

Bhalchandra V. Joshi, Rajaram G. Harmalkar and Joaquin J. D'Souza are working in the category "Fitters Grade II" in the pay scale of Rs. 800-1150/- Their contention is that the work done by an Asst. Fitter is semi-skilled and the one done by Fitter Grade II is a skilled one. The workmen relied upon the job satisfaction produced at Exb. W-5 which according to them shows the nature of work done by them. They have also examined Shri Tukaram Rawal and Shri Gunaji Parab in support of their case. Their contention is that the Asst. Fitters should be given the pay scale of Rs. 800-1150/- and to the Fitters Grade II Rs. 950-1500/- as recommended by the 4th Pay Commission in their report for the semi-skilled and skilled workers respectively. The workmen have also contended that though the Captain of Ports had recommended to the Government for upgradation in the pay scale of the Asst. Fitters, Asst. Turners and Fitters Grade II and Turners Grade II, the Government upgraded the pay scale only in respect of Asst. Turners and Turners Grade II and did not do so in respect of Asst. Fitters and Fitters Grade II. This according to the workmen is discriminatory which has resulted into anomaly in grades. It has not been disputed by the employer that the workmen are working as Asst. Fitters and Fitters Grade II as mentioned in the reference and the statement of claim filed by the workmen. The Asst. Fitters have been placed in the unskilled category whereas the fitters Grade II have been placed in the semi-skilled category and they have been given the pay scale of Rs. 750-940/- and Rs. 800-1150/- respectively. Now, the question is whether the work done by the Asst. Fitters is semi-skilled and the work done by the Fitters Grade II is skilled and they should be given the pay scales as recommended by the 4th Pay Commission for the said categories. The word "Skilled" and "Semi-skilled" has not been defined in the report of 4th Pay Commission. However, what is "Semi-skilled" and what is "Skilled" has been defined in the notification dated 9th March, 1995 issued by the Government of Goa under Minimum Wages Act, 1948 published in the Official Gazette (Extraordinary No. 2) Series I No. 49 dated 10th March 1995. With reference to the employment in any Shop or Commercial establishment other than a residential hotel, restaurant or eating house in the State of Goa, Semi-skilled work and Skilled work is defined as follows:-

"Semi-skilled" work is one which involves skill or competence on the job and which is capable of being performed under the supervision or guidance.

"Skilled work" is one which involves skill or competence acquired through experience or through Training as an apprentice in a Technical or Vocational institution and the performance of which is called for initiative and judgement.

In the said notification, the Asst. Fitters and Asst. Turners are placed in Semi-skilled category whereas the Fitters are placed in skilled category. The workmen have examined two witnesses to prove the nature of the work done by Asst. Fitters and Fitters grade II. The witness Shri Gunaji Parab, who is the Asst. Fitter has deposed as regards the work done by Asst. Fitters and Shri Tukaram Rawal who is the Fitter Grade II has deposed regarding the work done by the Fitters Grade II. Shri Gunaji Parab in his deposition has stated that he has done two years course in I.T.I and has worked as an apprentice for one year with Chowgule Shipping Division, Sirgao. He has stated that he does the work of bringing materials in the workshop as per the instructions from Sr. Fitters and Fitters Grade I. He has further stated that he also does the work of machine alignment, radar fitting, fitting of shaft in the tube, constructing and repairing winch, replacing and repairing the accelerating cable of ferry boats, constructing and repairing sternings, making and repairing new brakes, shaft, fitting, gland packing. In his cross, he has admitted that he works as helper to the Sr. Fitters. Except for putting suggestions that the said witness does the work other than mentioned in

the job satisfaction Exb. W-5 colly out of his own will to gain experience and that no skill is involved in the same and further that even an unskilled person can do the same work, the employer has not been able to bring on record much in the cross examination of the said witness which is favourable to the employer. No other evidence or any counter evidence has been led by the employer. Infact from the cross examination it can be seen that the employer has admitted the nature of work done by the said witness as an Asst. Fitter. "Skill" has been defined in the Oxford Dictionary as the one which requires technique for expertise, and the work which is being done by the witness Shri Parab as an Asst. Fitter definitely involves some technique or expertise. Therefore, from the above evidence, it is established that the work which is done by the Asst. Fitter is semi-skilled. With reference to the work done by Fitter Grade II, the workmen have examined Shri Tukaram Rawal. In his deposition he has stated that as a Fitter his job is to make pulleys, brackets, pillars to lift the gang plan required for the purpose of constructing ferry boats. He has stated that he also does the work of making winch, making foundation for the engine, making engine alignment, radar, stunt tube, making and fixing of steering, making key groves, repair water pumps, air compressors, fit water pipe lines to the ferry boats. He has further stated that he has done education upto S.S.C. and besides that, he has also done two years course in I.T.I. in Fitter's-course and has worked as apprentice for one year with M/s Shivam Engineers. In the cross examination of the said witness, nothing much has been brought out. It has been suggested to the witness that the work mentioned by him is not done by him but the same is done by the Sr. Fitters and Fitters Grade I and that he is only assisting the Sr. Fitters and Fitters Grade I in doing the same work, which is denied by the said witness. The employer has not led any evidence to show that the work which is said to be done by the Fitters Grade II is in fact done by Sr. Fitters and Fitters Grade I. The workmen have produced job specifications at Exb. W-5 colly in respect of Asst. Fitters and Fitters Grade II. The said job specification mentions the work which is to be done by the Asst. Fitter and the Fitter Grade II. The job satisfaction in fact support the case of the workmen as regards the work done by the Asst. Fitter and the Fitter Grade II. The work which is mentioned by the witnesses is mentioned in the job satisfaction. From the nature of work done by the Fitters Grade II, it is evident that it is a skilled work. It is the work which is done by the Fitters Grade II without supervision or guidance. There is no evidence to the contrary. Since it has been established that the work done by the Asst. Fitter is semi-skilled and the work done by the Fitter Grade II is skilled, I hold that the demand of the workmen for enhancement of salary for Asst. Fitter and Fitter Grade II is just and proper. The workmen have contended that they should be given the pay as recommended by the 4th Pay Commission in its report for semi-skilled and skilled workers. The question is whether the recommendations of the 4th Pay Commission have been accepted by the Government and they are mandatory. Infact, this issue does not arise as the employer has nowhere denied that the recommendations of 4th Pay Commission have not been accepted by the Government. The workmen have produced the resolution of the Ministry of Finance, Government of India, dated 13-9-1986 Exb. W-6 which states that the recommendations of the 4th Pay Commission have been accepted, and they have been made effective from 1-1-1986. At the time when the recommendations of the 4th Pay Commission were accepted by the Central Government, Goa was then an Union Territory and hence the pay and the allowances recommended for the Central Government employees were applicable to the employees of the Union Territories. Therefore, the recommendations of the 4th Pay Commission also became effective to the employees in Goa w.e.f. 1-1-1986, and once they have been accepted and made effective, the same are mandatory. I, therefore, hold that the recommendations of the 4th Pay Commission have been accepted by the Government and the same are mandatory. In the circumstances, I answer the issue Nos. 1 and 2 in the affirmative.

8. Issue No. 3 and 4: It has been held by me that the demand of the workmen for enhancement of salary is just and proper. The workmen have contended that they are entitled to the pay scale of Rs. 800-1150/- for Asst. Fitters and to Rs. 950-1500/- for Fitters Grade II. The pay scale of Rs. 800-1150 has been given to the semi-skilled workers and the pay scale of Rs. 950-1500/- has been given to the skilled workers by 4th Pay Commission in its report which has been accepted by the Government. The contention of the workmen is that the Captain of Ports by letter dated 26-12-1988 Exb. W-3 had recommended the enhancement of the Pay scale of Asst. Fitters and Asst. Turners to Rs. 800-1500/- and that of Fitters Grade II and Turners Grade II to Rs. 950-1500/- based on the said recommendation of the 4th Pay Commission. As can be seen from the said letter, the said recommendation was made by the Captain of Ports because Asst. Fitter and Asst. Turner by the nature of their duties and the qualifications provided in the Recruitment Rules fall in semi-skilled category and the Fitter Grade II and Turner Grade II fall in skilled category. Therefore, there is an admission from the employer itself that the work done by the Asst. Fitter and Asst. Turner is semi-skilled and the one done by the Fitter Grade II and Turner Grade II is skilled. The workmen have produced order dated 20-2-92 passed by the Under Secretary, Department of Inland Water Transport which is at Exb. W-4. By the said order, the Government has upgraded the pay scale of the Asst. Turner and Turner Grade II as per the recommendations from the Captain of Ports, River Navigation Department. However, no such upgradation in the pay scale has been given to the Asst. Fitter and Fitter Grade II though the same was recommended. There is no evidence on record to show any justification for such refusal. Since the work done by the Asst. Fitter and Asst. Turner in the River Navigation Department is semi-skilled and the one done by the Fitter Grade II and Turner Grade II is skilled as admitted by the employer while making the recommendation dated 26-12-88 Exb. W-3, and only the Asst. Turner and Turner Grade II have been given upgradation in the pay scale as recommended by the 4th Pay Commission in its report and subsequently recommended by the Captain of Ports, there is discrimination which is not legal and proper. I do not find any reason as to why the Asst. Fitter and Fitter Grade II should also not be given enhancement in their pay scale as given to the Asst. Turner and Turner Grade II as the work done by them in their respective category is the same, that is, semi-skilled and skilled. Adv. Shri Devari has relied upon the decision of the Delhi High Court in the case of Municipal Corporation of Delhi (Supra) on the principle "Equal pay for equal work". In the said case, the Delhi High Court has held that the principles of equal pay for equal work are applicable once it is shown that the nature of duties and functions discharged and work done is similar.

The same principles can be made applicable to the present case also. The work done by the Asst. Fitter and the Asst. Turner is similar, that is, semi-skilled and the work done by the Fitter Grade II and Turner Grade II is similar, that is, skilled. Therefore, when Asst. Turner and Turner Grade II are given the enhancement in the pay scale, the Asst. Fitter and Fitter Grade II also ought to have been given the same enhancement as given to the Asst. Fitter and Fitter Grade II. Adv. Shri Devari has also relied upon the decision of the Supreme Court in the case of Paras Nath (Supra). The facts involved in the said case are somewhat similar to the present case. In the said case before the Supreme Court, contention was raised by the Dairy mates working with Delhi Milk Scheme that though they performed the duties and functions of semi-skilled workers, they were wrongly classified as un-skilled workers and were paid salary as recommended by the 4th Pay Commission for unskilled workers. The Hon'ble Supreme Court referred the matter to the Central Government Industrial Tribunal-cum-Labour Court, New Delhi; and asked for the report on what would be the appropriate pay scale to the concerned workers, as disputed question of fact were involved. The Central

Tribunal submitted its report after taking into consideration the evidence led by the parties and recommended the pay scale of Rs. 800-1150/- to the Dairy mates, the scale recommended by the 4th Pay Commission to the semi-skilled workers, as the Tribunal found that the work done by the Dairy mates was not unskilled but semi-skilled. The Hon'ble Supreme Court accepted the said report and accordingly granted the same scale to the Dairy mates. In the present case also, since it has been held by me that the work done by the Asst. Fitter is not unskilled but semi-skilled and the work done by the Fitters Grade II is skilled one and further since the Government has upgraded the pay scale of Asst. Turners and Turners Grade II as per the recommendations of the 4th Pay Commission and given to them the pay scale as given to a semi-skilled and skilled worker respectively, I hold that the Asst. Fitters and Fitters Grade II are also entitled to the enhancement in their pay scales, and hence I answer the issue No. 3 in the affirmative.

9. Since the Asst. Fitters have been doing the work which is semi-skilled, I hold that they are entitled to the pay scale of Rs. 800-1150/- and since the Fitters Grade II have been doing the work which is skilled, I hold that they are entitled to the pay scale of Rs. 950-1500/- which is the pay scale awarded to the semi-skilled and skilled workers respectively by the 4th Pay Commission. I further hold that the workmen are entitled to the above pay scale w.e.f. 1-1-1986 as the report of the 4th Pay Commission has been made effective from the said date.

In the circumstances, I pass the following order:

ORDER

It is hereby held that the demand of the workmen of the River Navigation Department, namely, Asst. Fitters (1) Shri Mohandas V. Desai (2) Shri Mohan Gaude (3) Shri Gunaji Parab (4) Shri Antonio L. Gonsalves (5) Shri Arun D. Naik and (6) Shri Jacinto A. Gonsalves, for higher pay scale of Rs. 800-1150/- and that of the Fitters Grade II (1) Shri Madhukar Budge (2) Shri Jose Cruz (3) Shri Digambar Ghatwal (4) Shri Tukaram B. Rawal (5) Shri Narayan G. Naik (6) Shri Sunil G. Kalangutkar (7) Shri Anand N. Desai (8) Shri Vishnudas Govekar (9) Shri Anand T. Ajgaonkar (10) Shri Bhalchandra V. Joshi (11) Shri Rajaram G. Harmalkar and (12) Shri Joaquim J. D'Souza, for higher pay scale of Rs. 950-1500/- is legal and justified. It is hereby further held that the workmen are entitled to the said higher pay scale with effect from 1-1-1986.

No order as to costs.

Inform the Government accordingly.

AJIT J. AGNI
Presiding Officer
Industrial Tribunal

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Department of Public Health

Order

No. 7/7/90-I/PHD

Read: 1) Order No. 7/7/90-I/PHD dated 28-7-1994.
2) Order No. 7/7/90-I/PHD dated 27-11-1995.

The deputation of Shri Agnelo Fernandes as State Mass Education and Media Officer under the Directorate of Health Services is extended for a further period of one year w.e.f. 30-9-1996 on the terms and

conditions as formulated by the Personnel Department, Secretariat, Panaji under their O.M. No. 13/4/79-PER dated 10-10-1990.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji 4th October, 1996.

Order

No. 7/8/90-I/PHD

Read: Order No. 7/8/90-I/PHD dated 5-12-1995.

Ad hoc appointment of Dr. Shripad J. Porob, Sr. Paediatrician Primary Health Centre, Pernem and presently working at Asilo Hospital, Mapusa is extended for further period of six months beyond 31-5-1996 or till the post is filled from candidate belonging to SC whichever is earlier.

This issues with the concurrence of Goa Public Service Commission vide their letter No. COM/II/11/24(2)/92 dated 14-10-1996.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 8th November, 1996.

Order

No. 5/17/84-PHD

Government is pleased to accept the resignation tendered by Dr. V. S. N. Rao, Assistant Lecturer in Radiotherapy, Goa Medical College and relieved him w.e.f. 23-9-1996 (A.N.).

No dues are outstanding against him.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 11th December, 1996.

Order

No. 11-1-96-IV/PHD

Read: Memorandum No. 11-3-89-IV/PHD/3 dated 23-10-1996.

On recommendation of Goa Public Service Commission vide their letter No. COM/I/5/14(19)/89 dated 7-10-1996, the Government is pleased to appoint Dr. Preeti S. Ambarkar to the post of Lecturer in

Radiology in Goa Dental College & Hospital, Bambolim on regular basis on an initial pay of Rs. 2200/- in the pay scale of Rs. 2200-75-2800-EB-100-4000 plus N.P.A. and other allowances with effect from the date of her joining the above post as per the terms and conditions contained in the memorandum referred to above. Dr. Preeti S. Ambarkar shall be on probation for a period of two years.

Dr. Preeti S. Ambarkar has already been examined by the Medical Board of the Goa Medical College and found medically fit.

Her appointment is subject to verification of her character and antecedents.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 13th December, 1996.

Corrigendum

No. 37/6/96-I/PHD

Read: Government Notification No. 37/6/96-I/PHD dated 27-5-1996.

Functions of Advisory Committee indicated in the Government Notification No. 37/6/96-I/PHD dated 27-5-1996 stands deleted from the said notification.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 10th December, 1996.

Order

No. 16/1/95-RD(8739)

Read: Government Order No. 16/1/95-RD(8739) dated 29-10-1996.

Government is pleased to constitute a Committee to study the Maharashtra Provision of Facilities for Agricultural Credit by Bank Act, 1974, for its application to the State of Goa, as under, with immediate effect:-

1. Shri P. V. Kadnekar, Joint Secretary (Law) — Chairman.

2. Joint Secretary (Finance) — Member.

3. Lead Bank Officer, State Bank of India, Zonal Office, St. Inez, Panaji — Member.

4. Representative of Bank of India, Regional Office, Dempo House, Campal, Panaji — Member.

5. Representative of Syndicate Bank, Divisional Office, Opposite Hotel Delmon, Panaji — Member.

6. Representative of Bank of Maharashtra, Regional Office, Datta Prasad, Above Hotel Taj, Panaji-Goa — Member.

7. The Under Secretary (Revenue), Secretariat, Panaji — Member Secretary.

The Committee shall submit its report alongwith proposed draft amendment/suggestions, within a period of one month.

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (Revenue).

Panaji, 11th March, 1997.

Order

No. 35/2/93-RD

In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (Central Act 2 of 1899), the Government of Goa hereby authorises the Company specified in column 1 of the Schedule appended hereto to consolidate the Stamp Duty chargeable under Article 26 of the revised Schedule I-A of the Indian Stamp (Goa Amendment) Act, 1993, on the instruments as shown against the said Company in column 2 of the said Schedule.

SCHEDULE

Name of Company	Particular of instrument
M/s. Zuari Agro Chemicals Limited, Zuarinagar	30,00,000, 17.5% Secured Redeemable Non-Convertible Debentures of face value of Rs. 100/- each.

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (Revenue).

Panaji, 17th March, 1997.

Notification

No. 22/86/96-RD

Read: Govt. Notification No. 22/86/96-RD dated 27-8-96 published in the Official Gazette Series II dated 24-10-96 and in two local newspapers (i) Herald dated 18-9-96 and (ii) Gomantak dated 18-9-96 regarding construction of road from Mercurim Agacaim to Ferry point at Tonca Opposite Madkai Ferry point.

The words "Deputy Collector/S.D.O, Ponda", wherever appearing in the notification cited above, shall be read as "Deputy Collector/S.D.O., Panaji" so also in the schedule appended to the said Notification, in respect of Survey No. 146 part, the corresponding names of the persons believed to be interested, shall be substituted by the following (i) Agnelo Honoratodo Rego, (ii) Jesus Henriques do Rego & (iii) Joao Alexandre do Rego.

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (Revenue).

Panaji, 21st March, 1997.

Notification	1	2	3
No. 22/147/96-RD			
Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. const. of 8.00 m ³ span culvert and approaches at Shisvarem in V.P. Rivona in Sanguem Taluka.	/54	Sarvattam Shivram Probhu Dessai.	25
Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.	64/1	Subray Narayan Parob Dessai.	575
2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.	/2	Damodhar Porob Dharwadkar.	1200
3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.	86/1	Damodhar Porob Dharwadkar. Subray Narayan Prabhu Dessai.	1800
4. The Government further appoints, under clause (c) of section 3 of the said Act, the Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji to perform the functions of a Collector under the said Act in respect of the said land.	140/ 87/	Yeshwant Ramkrishna Bhat. Yeshwant Ramkrishna Bhat.	1700 500
5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.			
1. The Collector of South Goa, Margao. 2. The Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji. 3. The Executive Engineer, W.D. XVIII (Roads), P.W.D., Ponda. 4. The Director of Settlement and Land Records, Panaji.			
6. A rough plan of the said land is available for inspection in the Office of the Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji for a period of 30 days from the date of publication of this Notification in Official Gazette.			
SCHEDULE			
(Description of the said land)			
Taluka: Sanguem	Village: Rivona		
Survey No. Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.	
1	2	3	
66/53.	Subray Narayan Porob Dessai. Nageuesh Rohidas Prabhu Dessai. Lions Club of Zaumbaum, Rivona, Colomb.	350	

Boundaries:

North: Road; Nala.
South: Road.
East: S. No. 64/1, 2, S. No. 87.
West: S. No. 66/53, 54, 86/1, 140.

Total 6150

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (Revenue).

Panaji, 9th January, 1997.

Notification

No. 22/148/96-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. road from NH 17 at Partagal to Amona in V.P. Poinguinim, Canacona.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector of South Goa, Margao.
 2. The Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji.
 3. The Executive Engineer, W. D. XXV(R) P.W.D., Borda, Margao
 4. The Director of Settlement and Land Records, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Land Acquisition Officer, P.W.D. Cell, Altinho, Panaji for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Amona

Village: Poinguinim

Survey No. Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
263/1 part	1. Rosa Concesai Coutinho. Ministry of Surface Transport, Government of India. a) Jeronimo Arvind Fernandes. b) Milegrina Amaldina Fernandes. c) Antonio Mario Baretto. d) Benedita D'Costa. e) Clarina Fernandes.	300.00
263/2	1. Ganesh Bhicaro Naik. 2. Kushali Vatu Naik. 3. Kust Sukdo Naik. 4. Ubge Govind Naik. 5. Kashi Vishnu Naik. 6. Vasu Barkilo Naik. 7. Shamba Barkilo Naik. 8. Bhikaji Yeshwant Naik.	1500.00
262/1	1. Ganesh Bhikaro Naik. 2. Kushali Vatu Naik. 3. Kust Sukdo Naik. 4. Ubge Govind Naik. 5. Kashi Vishnu Naik. 6. Vasu Barkilo Naik. 7. Shamba Barkilo Naik. 8. Popot Saho Naik. 9. Narayan Shankar Naik. 10. Vithal Saulo Naik. 11. Salu Yesso Naik.	1000.00

1	2	3	1	2	3
					<i>Boundaries:</i>
					North: S. No. 263/1, 2 S. No. 267/ Road, S. No. 1/1, 14.
					South: S. No. 262/1 Road Nalla S. No. 261/8, 1 S. No. 260/1.
					East: S. No. 267/- & 65/24, 23, 21 Road, S. No. 4/1, 6.
					West: 263/1, 2, 261/1, 2, S. No. 260/1.
					Total 26050.00
261/8	i) Tukaram Govind Rivankar.	400.00			
26/1	i) Dhananjay Pundalik Shet Rivankar.	900.00			By order and in the name of the Governor of Goa.
	ii) Tukaram Govind Rivankar.				Smt. A. Menezes, Under Secretary (Revenue).
261/2	i) Tukaram Govind Rivankar.	100.00			Panaji, 12th February, 1997.
	ii) Damodar Vasudev Ghodge.				
	iii) Pramila Damodar Ghodge.				
	T: Gopi Shankar Naik.				
260/1	i) Tukaram Govind Rivankar.	2200.00			
	ii) Dhananjay Pundalik Rivankar.				
	iii) Damodar Vasudev Ghodge.				
	iv) Pramila Damodar Ghodge.				
	v) Pradeep Vaikunt Kamat.				
272/1	1. Sabestiao Baretto.	550.00			
	2. Gasper Baretto.				
	3. Jose Franscisco Baretto.				
	4. Luizinha Fernandes.				
	5. Erinc Rida Fernandes.				
	6. Rosa Baretto.				
	7. (As per D. C. 445/poing.)				
272/4	Saunsthan Math Partagal.	50.00			
1/1	— do —	600.00			
1/14	Narayan Govind Bhat.	25.00			
1/13	Raghuchandra Giridhar Acharya.	100.00			
3/6	— do —	250.00			
3/15	Saunsthan Math Partagal.	400.00			
3/21	Suresh Govind Pai.	500.00			
3/22	Hanumanth Vasudeo Acharya.	300.00			
T: Ramakant Pandu Naik.					
3/28	Saunsthan Math Partagal.	600.00			
T: Laxmi Pundalik Naik.					
3/27	Saunsthan Math Partagal.	1300.00			
T: Babu Shaba Naik.					
2 (part)	Saunsthan Math Partagal.	2800.00			
	Franscisco Concesao Mateus Pereira.				
	Anthony Maria Mateus Pereira.				
41/1	Saunsthan Math Partagal.	6480.00			
41/2	Comunidade de Poinguinim.	1345.00			
4/1	Raghuchandra Giridhar Acharya.	300.00			
4/6	Saunsthan Math Partagal.	300.00			

Notification

No. 22/119/95-RD

Whereas by Government Notification No. 22/119/95-RD dated 5-1-1996 published on page 66 & 67 of Series II, No. 7 of the Official Gazette, dated 16-5-96 and in two newspapers (1) Herald dated 25-1-1996 (2) Rashtramat dated 25-1-96 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Construction of approach road to Cottombi footbridge across river Kushavati at Cottombi in Quepem Taluka (Addl. area).

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (LA), Collectorate of South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Dy. Collector (LA), Collectorate of South Goa, Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Quepem		Village: Cottombi
Survey No. Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
38/1 part	O: Yeshwant alias Vasant Sabu Prabhu Dessai. Krishna Yessu Prabhu Dessai.	250

1	2	3	1	2	3
"/2 "	O: Roan Paulina Fernandes.	500		<i>Boundaries:</i>	
"/4 "	O: Sara Fernandes.	190		North: S. No. 40/1.	
40/1 "	O: Sagun D. Parwar. Chandrakant Dharmu Parwar. Lakhu Fatu Parwar. Vaman Anant Parwar. Soiru Yeshwant Parwar. Surya Shabu Parwar.	50		South: S. No. 38/2, 5.	
				East: S. No. 40/1, 38/1, 2, 5.	
				West: S. No. 37/2, 38/1, 2.	
				North: S. No. 40/1, 39/2.	
				South: S. No. 38/4, 39/7 & 22.	
				East : S. No. 39/7, 22 & 38/4.	
				West : S. No. 40/1 & 38/3.	
					Total 1155
39/7 "	O: Maujo Laxman Prabhu Dessai.	145			
"/22 "	O: Anthomia Francisco Pereira. Rama Shambu Prabhu Dessai. Govind Kusta Prabhu Dessai.	20		By order and in the name of the Governor of Goa.	
				<i>S. V. Madkaikar</i> , Under Secretary (Revenue).	
				Panaji, 13th May, 1997.	